201/6/6 Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Reduction Act of 1995, no persons are required to respond ection of information unless it displays a valid OMB control number PADEN Application Number 09/970607 TRANSMITTAL Filing Date 10-03-2001 **FORM** First Named Inventor Gerlach et al Art Unit 1646 **Examiner Name** MERTZ, PREMA MARIA (to be used for all correspondence after initial filing) Attorney Docket Number Cura 175 CIP 2 Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance Communication to TC Fee Transmittal Form Drawing(s) Appeal Communication to Board Licensing-related Papers Fee Attached of Appeals and Interferences Appeal Communication to TC 1 Petition Amendment/Reply (Appeal Notice, Brief, Reply Brief) Petition to Convert to a Proprietary Information After Final **Provisional Application** Power of Attorney, Revocation Status Letter Affidavits/declaration(s) Change of Correspondence Address Other Enclosure(s) (please Identify **Terminal Disclaimer** Extension of Time Request below): 1. Post Card Request for Refund Express Abandonment Request 2. Published PCT WO 2002/078526 CD, Number of CD(s) Information Disclosure Statement Landscape Table on CD Certified Copy of Priority Remarks Document(s) Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name CuraGen Corporation Signature __ Printed name Wendy L. Davis Date Reg. No. April 6, 2005 38, 427

CERTIFICATE OF TRANSMISSION/MAILING

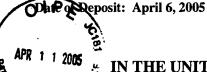
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ANTS:

Gerlach, et al

SERIAL NUMBER:

09/970,607

EXAMINER:

Prema Maria Mertz

FILING DATE:

October 03, 2001

ART UNIT:

1646

For:

NOVEL PROTEINS AND NUCLEIC ACIDS ENCODING SAME

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.111

This paper is in response to the Office Action mailed December 6, 2004 in connection with the above referenced application. A response is due April 6, 2005 with a one month extension of time. A Petition for extension of time was filed March 31, 2005, a copy is attached hereto. Also enclosed is a copy of a Petition and Amendment to Correct Inventorship which was previously filed February 3, 2004, and WO 2002/078526. Applicants believe that no additional fees are due with this filing. However, the Commissioner is hereby authorized to charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-2648, Reference No. Cura 175 CIP2.

Amendments to the Specification begins on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims that begins on page 3 of this paper.

Remarks begin on page 4 of this paper.